

4 The board of control shall furnish quarterly to each clerk of the  
5 district court lists of all persons then living and over fourteen years of  
6 age who are or who have been inmates of state institutions for the  
7 insane or feeble-minded, or who have been committed to the guardian-  
8 ship of the board as feeble-minded, except persons whose competency  
9 to marry shall subsequently have been established by judicial pro-  
10 ceedings, or who shall have been discharged as cured under sections  
11 thirty-five hundred and one (3501) and thirty-five hundred and six  
12 (3506) code of 1924, together with the names of such other persons  
13 as are, within the knowledge of the board, disqualified for marriage  
14 under paragraph five of section ten thousand four hundred twenty-  
15 nine (10429), code of 1924. Such lists shall contain as far as obtain-  
16 able the dates of birth and places of birth of the individuals listed,  
17 together with such other identifying information as may be desirable  
18 and obtainable. No clerk shall issue any marriage license to any  
19 applicant without first satisfying himself that the name of neither  
20 party to the marriage is contained in the latest list furnished by the  
21 board of control.

22 Any person aggrieved by such refusal to grant a license may by  
23 petition bring proceedings in the district court of the county of his  
24 residence to have his competency to enter into the marriage relation  
25 established and if on hearing, decree be entered in his favor, such  
26 license may be issued on order of the court.

27 Petitioner shall cause notice of the filing of said petition to be  
28 served on the state board of control in the manner required for the  
29 service of original notice at least ten days before the date set for  
30 hearing of said petition and the board of control shall have the right  
31 to appear and contest the allegations of said petition in behalf of the  
32 state. The trial shall be as in an equitable proceeding and either party  
33 may appeal from the decree rendered to the supreme court as in pro-  
34 ceedings in equity.

Approved March 25, A. D. 1925.

## CHAPTER 188

### RELEASE OF MORTGAGES

S. F. 207

AN ACT to amend section ten thousand one hundred seven (10107), code, 1924, relative to marginal notations of releases of mortgages and contracts, upon the margin of the record thereof.

*Be it enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. That section ten thousand one hundred seven (10,107)  
2 of the code of 1924 be amended by adding thereto the following:

3 Par. 2. Where any mortgage, contract or other instrument con-  
4 stituting an encumbrance upon real estate shall be assigned or re-  
5 leased by a separate instrument it shall be the duty of the recorder  
6 to enter in the margin of the record of such mortgage, contract or

- 7 instrument the character of such assignment or release and the book  
8 and page where the same is recorded.

Approved March 25, A. D. 1925.

## CHAPTER 189

### REAL ESTATE

H. F. 348

AN ACT to amend section eleven thousand twenty-four (11024) of the code, 1924, relating to the recovery of real estate or to establish an interest therein.

*Be it enacted by the General Assembly of the State of Iowa:*

- 1 SECTION 1. That section eleven thousand twenty-four (11024) of  
2 the code, 1924, be amended by striking the figures "1900" in line two  
3 (2) and inserting in lieu thereof the figures "1915"; also by striking  
4 the figures "1900" in line twelve (12) and inserting in lieu thereof the  
5 figures "1915"; also by striking the figures "1919" in line sixteen (16)  
6 and inserting in lieu thereof the figures "1925".

Approved April 3, A. D. 1925.

## CHAPTER 190

### FORFEITURE OF REAL ESTATE CONTRACTS

H. F. 18

AN ACT to modify the enrollment of house file number 270, of the acts of the extra session of the fortieth general assembly as it now appears in the office of the secretary of state, and in chapter 527, code, 1924, and to amend section twelve thousand three hundred ninety-one (12391), code, 1924, relating to the forfeiture of real estate contracts.

WHEREAS in the enrollment of house file number 270, in the extra session of the fortieth general assembly, the following words were copied into section two (2) of said enrolled bill, to wit:

"If the property affected by the contract, if within a city or town, does not exceed one-half acre in extent, and otherwise does not contain in the aggregate more than forty acres, and has assumed a homestead character, then the vendor or his successor in interest shall notify said vendee or his successor in interest, that said contract will stand forfeited and canceled, unless said party, within ninety days after the completed service of said notice, performs the terms and conditions in default, and, in addition, pays the reasonable cost of serving the notice." and

WHEREAS in the enrollment of said bill the following words were copied into section five (5) of said enrolled bill, to wit: "or ninety days as the case may be," and